

May 29, 2018

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Foust called to order a Regular Meeting of the Erie County Council at 7:06 p.m. at the Erie County Council Chambers, 140 West 6th Street, Room 117, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer:

“"Let us ponder Memorial Day. As Robert O'Neil, a retired US Navy SEAL stated, "As fate would have it, I now find myself in a unique set of circumstances. And I'm determined to use the platform I've been given to achieved a greater good. I'm standing on the shoulders of giants - those who served before me, those whom I served, and those who are serving now. I would not be where I am today if it weren't for them, and I'll never forget that. We as a nation should never forget why the light for freedom must continue. Never forget the challenges veterans face, in our effort to raise awareness". We ask God to look after the souls of these people who served and veterans from across the country. Without them, we would be without the peace, freedoms and privileges we enjoy as Americans. It is the soldier who has given all this to us. We thank them."

Moment of Silence

Mr. Anderson asked all to join in a moment of silence for the passing of a close friend of his, Donald “Duck” Marofsky. His nephew, John Steiner, was in attendance this evening. Mr. Anderson stated that he was an uncle to most who grew up in the lower eastside neighborhood. Mr. Anderson then read the citation that will be presented to the Marofsky family:

“WHEREAS, Donald “Duck” Marofsky passed away peacefully in the home in which he was born, Thursday, May 17, 2018; and

WHEREAS, “Duck” was born June 6, 1949 to Felix and Angeline (Perrino) Marofsky; along with four siblings Dennis, Deborah, Philip and Cheryl; and

WHEREAS, “Duck” loved riding his Harley, sharing his famous sauce and meatballs for Sunday Dinner with his family; grilling “Duck” burgers in his yard; and

WHEREAS, “Duck” loved his hometown of Erie, especially the “Lower Eastside”, his numerous friends, Erie Day Celebrations, Russian Christmas, Italian celebrations, and was one of the founders of the Lower Eastside Federation (LEF); and

WHEREAS, “Duck” fiercely loved his wife Amy Jo; his four children, Donald E. Marofsky (Jackie), Tiffany Massie (Charles), Christopher and Paul Marofsky; four grandchildren, Jakob, Eric, Ella and Ryleigh; and all his nieces and nephews who brought him joy.

NOW THEREFORE, we the undersigned Members of Erie County Council, especially Carl Anderson III note the sad passing of Donald “Duck” Marofsky who toiled for the Erie Streets Department for 40 years with many young workers under his wing, taking time to serve the City better, he took time for his family and friends and left this world much too early; but those whom he touched in this world are forever better from his smile, his humor, his honesty and his love.”

Roll Call

Following the moment of silence, the County Clerk called the roll:

Members Present: Mr. Anderson
Mrs. Fatica
Mr. Horton
Mr. Leone
Mrs. Loll
Mr. Rastetter
Dr. Foust

Members Absent: None.

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Also Present: Douglas R. Smith, County Clerk
James Sparber, Director of Finance
Tracey Fugagli, General Accounting Manager
Thomas Talarico, Solicitor

**PRESENTATION OF
CITATION TO
BREANNA ADAMS**

Mrs. Fatica stated that the Department of Health is near to her heart. She stated that it means a lot to the health and welfare of the citizens of Erie County and it means something special when nationally an employee of the Health Department is recognized. Mrs. Fatica commented that the Director, Melissa Lyon, had the opportunity to speak at the national meeting when Breanna got the award. She then had Karen Tobin, Breanna's supervisor, say a few words. She stated that Breanna is brilliant and an exemplary employee. She has been with the department for a few years, but has been leader from the beginning. She is always a volunteer, coming up with creative ideas and very involved in the department and the community. Mrs. Tobin is very proud of her and became aware of the opportunity from (National Network of Public Health) NNPH and the Rising Star award. There were over 700 nationally nominated candidates and Breanna won, which is something to be recognized. Mrs. Fatica then read part of the citation presented to Breanna Adams:

“WHEREAS, Ms. Adams conducted national research and sought input from local tattoo artists to revise and update the Department regulations; developed a database to track tick submittals and assisted in writing grants to help obtain funding for a tick awareness campaign; was integral in neighborhood beautification efforts, including the Department's participation in a rain barrel program “Don't Give Up the Drip”, the creation of a pollinator garden on the Department's campus, and organizing a neighborhood clean-up in with the participation of staff.

NOW THEREFORE, we the undersigned Members of Erie County Council, hereby join a grateful citizenry in honoring our own Breanna Adams for her commitment to excellence, pursuit of professional development and to improving the performance and understanding of Department services in the Erie community.”.

Ms. Adams stated that she was very honored and humbled. She commented it has been a whirlwind of a week. She stated that she has been in the department for six years with a science background. She began as the restaurant inspector, moved on to the “tick and tattoo” person. She is now co-chairing the media team and feels that they can be the best salespeople for all the good that the department does for the community. She enjoys working for the county and appreciates the leadership in her department and the County overall. She again thanked Council.

Hearing of The Public

Randy Barnes, Harborcreek, PA; passed out information on ECGRA, and stated that a year ago the board voted to change the wording from a tuition reimbursement to professional development. He challenged one of the council members to find out who voted to change the language from tuition reimbursement to professional development. He stated that ECGRA pays \$1,400 a month at Knowledge Park. He reviewed budget and asked if anyone paid by the County is a member of PA Society. Elected officials are to watch out for taxpayer money and feels it says something about the board and the director using credit card for lunches, coffee, etc. He asked that Council follow the money, dig up board minutes to see what is going on if they are deceiving the taxpayers.

Art Leopold; Millcreek; thanked Council regarding Ord. 45, 2018 amending the HRC ordinance. He appreciates Council's support on this issue and commented there is a zip code where 47% of our community members are in poverty and it happens to be 16501. He suggested that there are tools to raise people up and he supports Resolution 44, 2018 - RCAP and CBAs. He feels it is vital for state, county, and city, and has talked before many authorities, city council, county council, and again rise and support this resolution. He asked that Council please give it serious consideration and offered letters of support and petitions.

Freda Tepfer; City of Erie; Ms. Tepfer stated that her grandparents left eastern Europe and came to America and her parents were not restricted from obtaining a mortgage in NY because of their race

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and her father was able to obtain wealth. She is concerned that not everyone in the community has had those advantages and one way to try to change that is to use leverage that the state, city, county have – RCAP. She stated that the resolution on the agenda addresses the structure of RCAP and it will increase the leverage and be a benefit to the entire community. She felt it would support development that benefits all citizens and urged Council to support the resolution.

Lisa Austin; City of Erie; Ms. Austin congratulated Breanna Adams. She thinks that Resolution 44, 2018 is a crucial opportunity for the government to get involved in encouraging the creation of jobs. She commented that some development money comes back to the local community. She also advised Karen Abrams will be at JES for a free talk addressing some of the issues in response to the really sad national exposure as the worst city in America for Blacks.

Ann McCarthy; City of Erie; Sister of Benedictines for Peace and many grassroots people have been discussing CBAs and all are in support of Resolution 44, 2018. It is an important vehicle for social justice. Erie has the distinction as the worst city in America for African Americans and they need a vehicle that builds trust - CBAs is a vehicle that will do that. She is very much in support of it and this resolution furthers that cause.

Veronica Rexford; County resident; She stated that inclusive recovery in cities is crucial. She commented on a report about inclusive recovery and Erie in on cusp of how to make a recovery. As the city goes, so goes the county and the population of the community is on decline except for immigrants. She commented that inclusive recovery requires a deliberate commitment to inclusivity and attachment of CBAs to RCAP funds and other funds is an opportunity to make redevelopment inclusive and equitable.

Ed Kissell, City of Erie; Mr. Kissell discussed the possible adoption of resolution in support of the Emergency Vehicle Preemption System. He stated that PennDOT has taken it under their wing and worked on Robinson Road, Cherry, and Peach Street and upgraded the old system, and the new system is available. The groundwork has been laid to move this forward and he asked for support on this resolution.

Gary Horton, City of Erie; Mr. Horton is in support of Resolution 44, 2018. He stated the NAACP adult and youth branch passed similar resolutions in support of that. The individual investment and sum total of the collective investment does not give hope. He is asking Council to take this step today and stated that CBAs will not hurt business or government. He feels they will provide opportunity and give people hope and opportunity. Mr. Horton stated that the status quo is not sustainable and why not give this a chance to work in our community. He asked that Council take the bold step today and pass the resolution.

Approval of Minutes

Mr. Leone moved to approve the minutes from the May 14, 2018 Regular Meeting. This was seconded by Mr. Anderson and carried in a unanimous roll call vote.

**Reports of
County Officials**

Finance Committee - Mrs. Fatica reported that the Finance Committee met on May 24, 2018, and agreed to place Ordinances 44 and 45, 2018, under Old Business, and Ordinances 73, 74, 75, and 78, 2018, Resolutions 37 through 44, 2018, one appointment and four sales of parcels under New Business.

Personnel Committee - Mr. Horton stated that the Personnel Committee met immediately following the Finance Meeting and agreed to place Ordinances 76 and 77, 2018, under New Business.

Mr. Horton stated that 205 days since 24 Wall Street Article declaring the city of Erie as the worst city in America for African Americans, and the silence is deafening. He previously stated he's ashamed for not putting an effort in on this issue, nor had the city, the administration, or other elected officials. He commented that as we sit blocks away from the poorest zip code in the commonwealth of PA, there are schools closed in the city, overcrowded classrooms but the school

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district is in trouble. 100% of the children in the Erie School District are eligible for free lunches, and that is not the case in Millcreek, Waterford, Fairview, etc. He quoted, “God says as much as you do for the least of us”. He commented that one can say nice things but nothing gets done. Erie didn't get here overnight. Council has the foresight to see this resolution is not just a vehicle for Erie County but is asking the State delegation to take this resolution into consideration and lobby on the County's behalf. He hopes his colleagues will agree with him and support the resolution.

Mr. Anderson gave an Election Committee meeting overview regarding the mandated issues on election equipment. He thanked Mr. Smith and his staff for staying on top of that issue. They will have to meet with various vendors once certified by the State and will have to choose for new election equipment. He is pleased that everyone is working together in staying out in front of the issue. He also commented that a letter was sent out regarding dairy farmers and local dairy farmers, and Meadowbrook would be closing. The letter urged delegations to get on top of the issue and look for solutions. He stated that he was able to meet with Sen. Toomey, and today met with Sen. Casey's office talking about ideas and possibilities to help dairy industry in the local community and hopefully made progress in that area. Mr. Anderson then discussed LERTA - beginning to work on a LERTA plan. He, Mr. Horton and Mrs. Loll met with members at the City, the County Administration, and the School District. They discussed several issues and concerns with the community and the school district. Mr. Horton expressed at that meeting the concern to help the School District and that nothing definitive yet has been outlined and he should have a full report in the near future.

OLD BUSINESS

Ord. 44, 2018 – GF Rev. Revenue & Exp. And Creation of Linies For Erie County Land Bank

Mr. Smith gave a second reading of Ordinance Number 44, 2018. This was moved by Mr. Leone and seconded by Mr. Anderson.

Mr. Horton stated he was having a hard time handing over \$1 million without clarification. He is not sure how the Land Bank will work with the City Land Bank. He was really unsure as to how to vote and felt it was troubling to put cart before the horse. He hoped that Council would get better at that in the future. He feels that it is hard to hand over \$1 million to a body that is still being organized.

Ordinance Number 44, 2018, then carried in a unanimous roll call vote.

Ord. 45, 2018 – Amend. HRC Ord. to Add Add'l Protected Classes

Mr. Smith gave a second reading of Ordinance Number 45, 2018. This was moved by Mr. Horton and seconded by Mr. Leone.

Mr. Leone moved to amend and change language to ten years for landlords to look back at criminal history. This was seconded by Mrs. Fatica and carried in a unanimous roll call vote.

Ordinance Number 45, 2018, as amended, carried in a unanimous roll call vote.

Motion to Amend Agenda

Mr. Leone moved to amend the agenda and make Ordinances 73-77 second readings. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

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NEW BUSINESS

**Ord. 73, 2018 – Liq.
Fuels Rev. Exp. For
Emergency Funding
H’creek Twp.**

Mr. Smith gave a second reading of Ordinance Number 73, 2018. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 74, 2018 – Cap.
Project Fund Rev. Exp.
& Creation Of Line for
New Mobile & RMS**

Mr. Smith gave a second reading of Ordinance Number 74, 2018. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Ord. 75, 2018 – GF Rev.
Exp. & Waiver of Purch.
Code – Choose Erie**

Mr. Smith gave a second reading of Ordinance Number 75, 2018. This was moved by Mr. Anderson and seconded by Mr. Leone.

Mr. Anderson commented about previous discussion and the Administration's committee regarding urging the logo change to "Choose Greater Erie" and feels it is falling on deaf ears.

Ordinance Number 75, 2018, then carried in a unanimous roll call vote.

**Ord. 76, 2018 – GF
SA for SRO Position
At Erie Co. Tech**

Mr. Smith gave a second reading of Ordinance Number 76, 2018. This was moved by Mr. Anderson, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 77, 2018 – App.
Official’s Salary –
County Solicitor**

Mr. Smith gave a second reading of Ordinance Number 77, 2018. This was moved by Mr. Leone, seconded by Mr. Anderson, and carried in a unanimous roll call vote.

**Ord. 78, 2018 – GF
SA for Change in
NB Pay Plan – Mgr.
Of Facilities & Ops**

Mr. Smith gave a first reading of Ordinance Number 78, 2018.

**Res. 37 – Ratify
Sale of Property**

Mr. Smith gave a reading of Resolution Number 37, 2018. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Res. 38, 2018 – In
Support of Expansion
Of Emerg. Veh. Pre-
Emption System**

Mr. Smith gave a reading of resolution Number 38, 2018.

Mrs. Fatica thanked members of Council who supported this in 2013.

This was moved by Mrs. Fatica and seconded by Mr. Horton.

Mr. Anderson commended Mrs. Fatica on her work on this resolution.

Resolution Number 38, 2018, then carried in a unanimous roll call vote.

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**Res. 39, 2018 – ECGA
Tax-Exempt Note –
Ball Pavilion Project**

Mr. Smith gave a reading of Resolution Number 39, 2018. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Res. 40, 2018 – Adopt
ECIDA Amendment
To Art. Of Inc.**

Mr. Leone moved to approve Resolutions 40-43 in one motion. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 41, 2018 – Adopt
ECGA Amendment to
Art. Of Inc.**

Mr. Leone moved to approve Resolutions 40-43 in one motion. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 42, 2018 – Adopt
ECCFSA Amendment
To Art. Of Inc.**

Mr. Leone moved to approve Resolutions 40-43 in one motion. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 43, 2018 – Adopt
Erie Co. Hospital
Authority Amendment
To Art. Of Inc.**

Mr. Leone moved to approve Resolutions 40-43 in one motion. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 44, 2018 – Urging
The Inclusion of CBA
Language in Project
Funding Under RCAP**

Mr. Smith gave a reading of Resolution Number 44, 2018. This was moved by Mr. Horton and seconded by Mr. Anderson.

Mr. Anderson asked that the resolution be amended brought forward in Caucus and agreed upon by Council. The clean copy of the resolution is included.

Mr. Horton thanked Councilman Anderson, Attorney Talarico, and Council staff Doug Smith, Lana Wright, and Deneé Breter for their hard work on the various versions that were drafted to become the version this evening.

Mr. Anderson commented that Mr. Horton is very passionate about this issue and commended Mr. Horton for the work done in spearheading this effort.

The amendment was seconded by Mr. Horton and carried in a unanimous roll call vote.

Dr. Foust commented that at one time, Council approved a Project Labor Agreement ordinance that included all public projects that the County financed, and were told it was a “bad” thing to do and would curtail development, but that never materialized. He believes all the negativity that may surround this particular resolution in some circles will make the same the debate but he feels that this is not something to be feared and it will have a lot more benefit and it has his support.

Resolution Number 44, 2018, as amended, carried in a unanimous roll call vote.

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**BOARD/AUTHORITY
APPOINTMENTS**

Mr. Horton moved to approve the appointment of Lisa Austin to the Erie County Planning Commission. This was seconded by Mr. Leone and failed in a 3-4 vote, with Mr. Rastetter, Mr. Anderson, Mrs. Fatica, and Mrs. Loll voting no.

No action was taken on the possible appointment of Maria Goellner to the Human Relations Commission.

Sale of Parcels

Mr. Leone moved to approve the following sale of parcels from repository for unsold properties at the following index numbers:

#14-010-028.0-231.00
#15-020-035.0-244.00
#33-034-173.2-021.59
#50-001-006.0-009.00

This was seconded by Mr. Anderson and carried in a unanimous roll call vote.

There being no further business, the meeting then adjourned at 8:03 p.m.

Deneé M. Breter, Council Secretary